

Project:

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**AMENDMENT No. 1 TO CONSULTING SERVICES AGREEMENT
BETWEEN THE CITY OF MILPITAS AND
DYETT & BHATTIA URBAN AND REGIONAL PLANNERS**

This Amendment is entered into this ____ day of March, 2005, by and between the City of Milpitas ("City") and Dyett & Bhattia Urban & Regional Planners, in association with its consultant partners and sub-consultants Economics Research Associates, Field Paoli Architects and Fehr and Peers Transportation Planners ("Consultant").

RECITALS

WHEREAS, the Parties entered into a consulting services agreement, dated December 9, 2004, for services related to the City's Midtown Transit Sub-Area.

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree to amend the Consulting Services Agreement as follows:

1. EXHIBIT A, SCOPE OF SERVICES, as referenced in Section 1. SERVICES, of the Agreement are hereby amended to add two more public meetings. There shall be one additional meeting before the City's Planning Commission and one additional meeting before the City Council. EXHIBIT A, Task Breakdown is hereby amended to reflect the addition of and dates of the meetings, and EXHIBIT A SCHEDULE is hereby amended to reflect the two additional meetings.
2. Section 2. COMPENSATION, and EXHIBIT B, COMPENSATION SCHEDULE are hereby amended to reflect an increase in the not to exceed amount from one hundred, three thousand, seventy U.S. dollars and no cents, \$103,070, to one hundred, seven thousand, seventy U.S. dollars and no cents, \$107,030. The difference in the not to exceed amount is hereby increased by \$3,960.00.
3. Except as modified herein, all other provisions of the Agreement shall remain in full force and effect.

This Amendment is executed as of the date written above.

CITY OF MILPITAS

CONTRACTOR

Tambri Heyden, Acting Planning and
Neighborhood Services Director
(as to content)

Dyett & Bhattia Urban and Regional Planners

Charles Lawson, Interim City Manager

APPROVED AS TO FORM:

ATTESTED BY:

Steven T. Mattas, City Attorney

Gail Blalock, City Clerk

SCHEDULE

The schedule proposed for the Milpitas Concept Plan is presented in a flow chart below. Milestones, key products, and meetings are shown. Consultant shall complete the Concept Plan in approximately four and a half months.

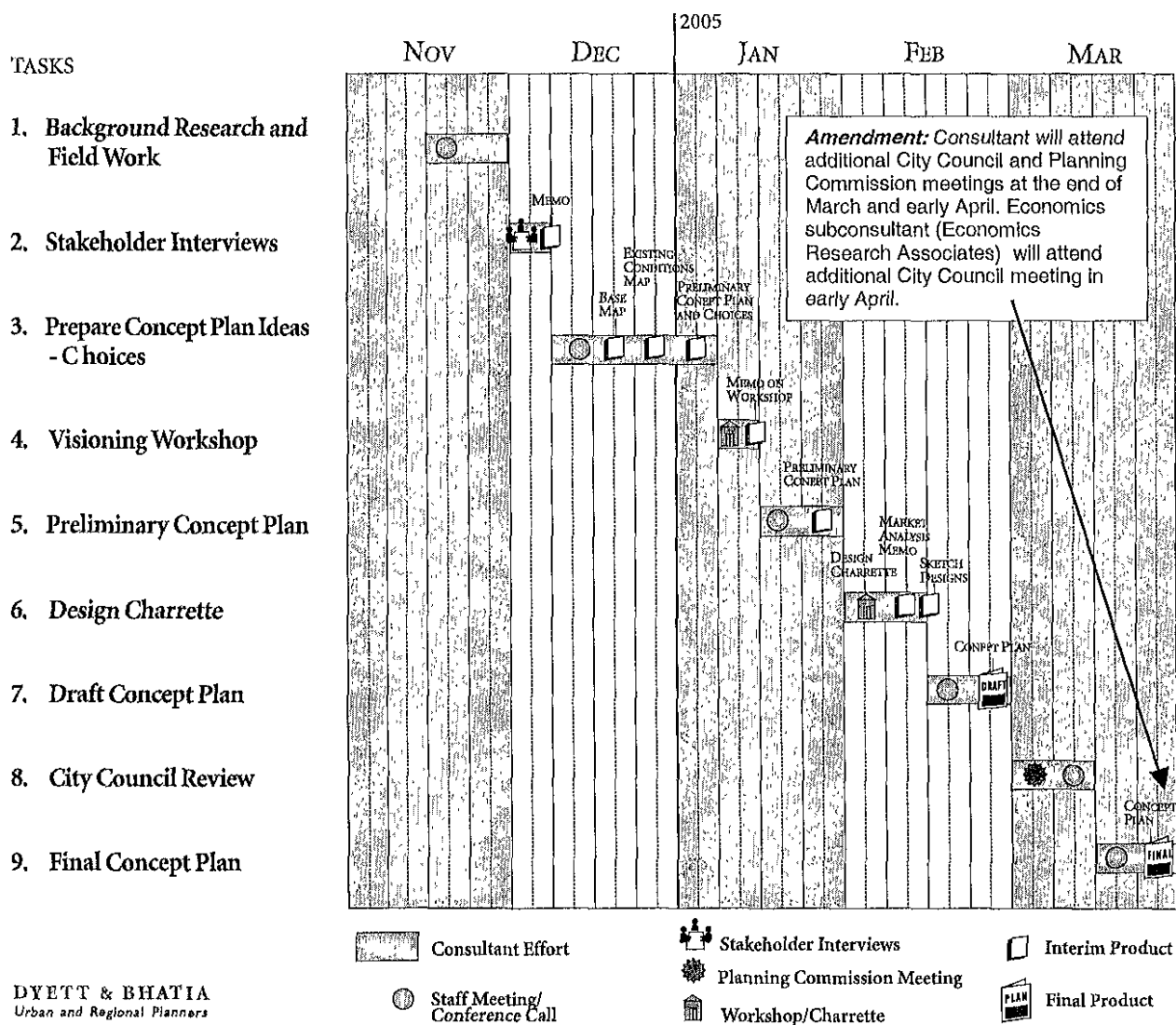


EXHIBIT B

COMPENSATION SCHEDULE

Consultant shall complete the tasks described in this Agreement in an amount not to exceed \$110,990.00. This includes all personnel, meeting, direct costs (including an allowance for in-house color plots), and delivery of products identified in the work program.

The hours by task, billing rates, and labor costs by staff person (as well as direct costs) are shown on the budget spreadsheet below.

Proposed budget for the Milpitas Transit Subarea Plan

	Nov 2 weeks	Dec 1 week	Dec/Jan 4 weeks	Jan 1 week	Jan/Feb 3 weeks	Feb 1 week	Feb 2 weeks	March 2 weeks	March 2 weeks		
	Task 1 Background Research and Field Work	Task 2 Stake- holder Interviews	Task 3 Prepare Concept Plan Ideas - Choices	Task 4 Visioning Workshop	Task 5 Preliminary Concept Plan	Task 6 Design Charrette	Task 7 Draft Concept Plan	Task 8 City Council Review	Task 9 Final Concept Plan	TOTAL	
HOURS BY TASK											
Dyett & Bhatia											
Leslie Gould, Project Manager	14	28	64	24	40	24	40	10	32	274	
Rajeev Bhatia, Principal	0	0	8	8	12	8	12	0		48	
Planner/Senior Planner	0	0	64	24	64	24	40	0	8	224	
GIS/Computer Graphics	0	0	16	0	16	0	16	0	16	64	
Support	2	2	0	16	16	16	16	0	16	84	
TOTAL D&B HOURS	16	28	152	72	148	72	124	10	72	694	
Hourly Rate											
FEES BY TASK											
Dyett & Bhatia											
Leslie Gould, Project Manager	\$ 135	1,890	3,510	8,640	3,240	5,400	3,240	5,400	1,350	4,320	\$36,990
Rajeev Bhatia, Principal	\$ 150	-	-	1,200	1,200	1,800	1,200	1,800	-		\$7,200
Planner/Senior Planner	\$ 85	-	-	5,440	2,040	5,440	2,040	3,400	-	680	\$19,040
GIS/Computer Graphics	\$ 75	-	-	1,200	-	1,200	-	1,200	-	1,200	\$4,800
Support	\$ 50	100	100	-	800	800	800	800	-	800	\$4,200
Task Labor Total		1,990	3,610	16,480	7,280	14,640	7,280	12,600	1,350		\$65,230
Direct Costs (travel, in-house printing, etc.)		120	200	160	160	600	120	220	120		\$1,700
TOTAL D&B COSTS		2,110	3,810	16,640	7,440	15,240	7,400	12,820	1,470	7,000	\$73,930
ERA											\$21,900
Review Scope and Background	8										
Phone Interviews - Mills, etc.		4									
Meeting Day - Team + City			16								
Research and Analysis					24						
Meeting Day - Team + City						16					
Review Concept Plan							16				
Additional City Council Meeting								8			
Architect											\$7,200
Review Scope and Background	4										
Assist with Research			8								
Team Meeting			4								
Assist with Site Plan					8						
Team Meeting					4						
Design Charrette						12					
Fehr and Peers											
Evaluate Preliminary Concept Plan											\$4,000
GRAND TOTAL											\$107,030

Task	Tasks for the Week	Responsibility	Day	Date	Meetings and Deadlines	Responsibility
1.0 RESEARCH	Prepare base map	DB	Mon	29-Nov		
	Background research	DB	Tues	30-Nov		
	Subconsultant Contracts	DB/subs	Wed	1-Dec	Stakeholder invitations sent by end of day	City
	Discuss ERA Scope and Deliverables	DB/ERA			Have stakeholder interviews/rooms scheduled	City
	Stakeholder List and Invitations	City	Thurs	2-Dec		
			Fri	3-Dec	City Electronic Data Transfer into DB GIS	City
	City to Deliver Background Info	DB	Mon	6-Dec	Have all background data from City	City
	Background research	DB	Tues	7-Dec		
	Opportunities and Constraints Drawing	DB	Wed	8-Dec	MTG: Kick-Off Meeting with ERA	DB/ERA/City
	Field Work	DB/ERA	Thurs	9-Dec		
2.0 INTERVIEWS	Kick Off Meeting with ERA, Meet with City	DB/ERA/City	Fri	10-Dec		
	Develop stakeholder questions	DB				
	Complete Base Map	DB				
	Begin Research on Development Prototypes	DB/FP				
	Stakeholder Interviews	DB	Mon	13-Dec	STAKEHOLDER INTERVIEWS	DB
	Identify Alternatives for Sub Areas	DB	Tues	14-Dec		
	Field/Paoli Input on Alternatives	DB/FP	Wed	15-Dec	Final date/times/locations for Visioning Workshop and Charrette	City
	Research prototypes, Find photos	DB	Thurs	16-Dec	STAKEHOLDER INTERVIEWS	DB
3.0 IDEAS	ERA to Interview Mills Corporation	ERA	Fri	17-Dec		
	ERA Research	ERA				
	Complete Opportunities and Constraints Drawing	DB	Mon	20-Dec		
	Identify Key Policy Choices	DB	Tues	21-Dec		
	Develop Alternatives Sketches	DB	Wed	22-Dec		
	Stakeholder Interview Summary Memo	DB	Thurs	23-Dec		
	ERA to Identify Potential Strategies	ERA	Fri	24-Dec	(D&B HOLIDAY)	
		DB	Mon	27-Dec	(D&B HOLIDAY)	
			Tues	28-Dec		
			Wed	29-Dec		
			Thurs	30-Dec		
			Fri	31-Dec	(D&B HOLIDAY)	
	Develop Preliminary Concept Plan ideas and alternatives	DB	Mon	3-Jan		
	Visioning Workshop Invitations Mailed	City	Tues	4-Jan		
	ERA to Evaluate Potential Strategies	ERA	Wed	5-Jan	Mtg: Team Brainstorming	DB/ERA/FP/F&P
	Identify Key Locations for Public Improvements	DB	Thurs	6-Jan		
			Fri	7-Jan	Invitations to Visioning Workshop are sent	City
4.0 WORKSHOP	Prelim Concept Plan Ideas and Choices	DB	Mon	10-Jan		
	Visioning Workshop Presentation	DB	Tues	11-Jan		
	Alternative Econ. Development Strategies Paper	ERA	Wed	12-Jan	Mtg: Review Preliminary Concept Plan Ideas	DB/City/ERA
			Thurs	13-Jan	ALTERNATIVE ED STRATEGIES	ERA
			Fri	14-Jan	City comments on Preliminary Plan ideas due	City
	Revise Graphics and Presentation for Workshop	DB	Mon	17-Jan		
			Tues	18-Jan		
			Wed	19-Jan	PRELIMINARY CONCEPT PLAN IDEAS	DB
			Thurs	20-Jan	VISIONING WORKSHOP	DB/ERA
			Fri	21-Jan		
5.0 PRELIMINARY PLAN	Workshop Summary Memo	DB	Mon	24-Jan		
	Develop Preliminary Concept Plan	DB	Tues	25-Jan	Memo summarizing workshop sent to City	DB
	Architects assist with Concept Plan	FP	Wed	26-Jan		
			Thurs	27-Jan	Mtg with City to review workshop results	DB
			Fri	28-Jan		

Task	Tasks for the Week	Responsibility	Day	Date	Meetings and Deadlines	Responsibility
5.0 PRELIMINARY PLAN	Preliminary Concept Plan Drawings	DB	Mon	31-Jan	Mtg: Team Develops Prelim. Concept Plan	DB/ERA/FP/F&P
	ERA Revisions to Econ. Dev. Strategies	ERA	Tues	1-Feb	Invitations to Design Charette are sent	City
	Traffic Evaluation	F&P	Wed	2-Feb		
			Thurs	3-Feb		
			Fri	4-Feb		
	Develop Preliminary Concept Plan	DB	Mon	7-Feb		
	ERA Input into Preliminary Concept Plan	ERA	Tues	8-Feb		
	Design Charette preparation	DB/FP	Wed	9-Feb		
	Final Econ. Dev. Strategies Paper	ERA	Thurs	10-Feb	Mtg: Review Prelim. Concept Plan and ED FINAL ED STRATEGIES PAPER	DB/ERA/City ERA
			Fri	11-Feb	Mtg: Design Charette Preparation	DB/FP
6.0 CHARETTE	Revise Preliminary Concept Plan	DB	Mon	14-Feb	City comments on Draft Concept Plan due	City
	Prepare all Design Charette Materials	DB/FP ERA	Tues	15-Feb		
			Wed	16-Feb	PRELIMINARY CONCEPT PLAN	DB
			Thurs	17-Feb	DESIGN CHARETTE	DB/FP
			Fri	18-Feb		
7.0 DRAFT PLAN	Prepare Draft Plan	DB	Mon	21-Feb	Mtg: City to give direction for Draft Plan	DB/City
			Tues	22-Feb		
			Wed	23-Feb		
			Thurs	24-Feb		
			Fri	25-Feb		
	Revise Draft Plan	DB	Mon	28-Feb	Mtg: Review Dft Concept Plan; Presentation	City/DB
	Prepare Commission/Council Presentation	DB	Tues	1-Mar	City Council Meeting	DB/ERA
			Wed	2-Mar		
			Thurs	3-Mar		
			Fri	4-Mar		
8.0 PLAN. COM. & CITY COUNCIL	Planning Commission Presentation	DB	Mon	7-Mar		
	Summary of Planning Commission Comments	DB	Tues	8-Mar		
			Wed	9-Mar	Planning Commission Meeting	DB
			Thurs	10-Mar		
			Fri	11-Mar	Summary of PC Comments to City (am)	DB
	Refine Concept to include City Council and Planning Commission comments, prepare Draft Concept Plan	DB	Mon	14-Mar		
			Tues	15-Mar		
			Wed	16-Mar		
			Thurs	17-Mar	DRAFT CONCEPT PLAN (to City)	DB
			Fri	18-Mar		
9.0 FINAL CONCEPT PLAN	Planning Commission Presentation	DB	Mon	21-Mar		
			Tues	22-Mar		
			Wed	23-Mar	Planning Commission Meeting	DB
			Thurs	24-Mar		
			Fri	25-Mar		
	Prepare Final Concept Plan	DB	Mon	28-Mar		
			Tues	29-Mar		
			Wed	30-Mar		
			Thurs	31-Mar	FINAL CONCEPT PLAN TO CITY	DB
	Present Final Concept Plan to City Council	DB	Mon	4-Apr		
			Tues	5-Apr	City Council Meeting	DB/ERA
			Wed	6-Apr		
			Thurs	7-Apr		
			Fri	8-Apr		DB

Key: MTG: Meeting City: City of Milpitas FP: Field Paoli
 DB: Dyett & Bhatia ERA: Economics Research Associates F&P: Fehr & Peers
 Only items in bold and capital letters are deliverables to the City, subject to late